

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Hezekiah Mendoza

v.

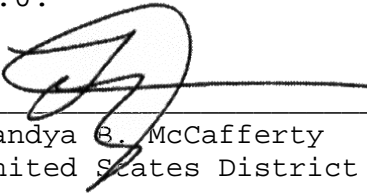
Case No. 17-cv-318-LM

State of New Hampshire

O R D E R

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated December 7, 2017, and dismiss the petition, without prejudice, pursuant to § 2254 Rule 4 and LR 4.3(d)(4). "[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'" School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal). Additionally, finding that the petitioner has failed to make a substantial showing of the denial of a constitutional right, the court declines to issue a certificate of appealability. See 28

U.S.C. § 2253(c)(2); Rule 11, Rules Governing Habeas Corpus Cases
Under Section 2254; First Cir. LR 22.0.



Landya B. McCafferty
United States District Judge

Date: January 17, 2018

cc: Hezekiah Mendoza, pro se